REMARKS

Initially, in the Office Action dated June 14, 2004, the Examiner rejects claims 17-47 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,215,505 (Minami). Claims 45-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Minami in view of U.S. Patent No. 6,571,054 (Tonomura et al.).

By the present response, Applicant has amended claims 17, 21, 26, 27, 31 and 36 to further clarify the invention. Claims 17-44 remain pending in the present application.

Examiner Interview

Applicant thanks the Examiner for the telephone interview held on October 14, 2004. During the interview, the Examiner stated that in view of the proposed amendment, the claims may distinguish over the cited references but the Examiner will take a closer look after receipt of Applicants response.

35 U.S.C. §102 Rejections

Claims 17-47 have been rejected under 35 U.S.C. §102(e) as being anticipated by Minami. Applicant assumes the Examiner means claims 17-44. Applicant has discussed the deficiencies of Minami in Applicant's previously-filed responses, and reassert all arguments submitted in these responses. Applicant provides the following additional remarks.

Regarding independent claims 17, 26, 21, 27 and 36, Applicant still maintains that Minami does not disclose or suggest the limitations in the combination of each of these claims. However, in order to expedite prosecution of the present application, Applicant has amended these claims to include the limitation that wherein the image

is a still image. In the section 103 portion of the Office Action, the Examiner admits that Minami does not disclose or suggest the image being a still image. Therefore, these rejections have been successfully traversed.

However, Applicant reasserts that the limitations in the claims of the present application are patentable over Minami since Minami does not input position information of a still image while replaying a moving picture. According to the limitations in the claims of the present application, designating a position of an input (as a still image) to be synthesized with a moving picture while replaying the moving picture is claimed. Applicant submits that these limitations are neither disclosed nor suggested by Minami.

The Examiner asserts that Minami discloses a replaying feature at col. 11, lines 25-35. Applicant respectfully disagrees with this assertion because Minami intends to inherently configure their invention as will be discussed below. In processing a moving image, a partial image of the moving image is specified as an object to be synthesized. The position of the object specified when creating a background image is picked up, and at the same time, the object is extracted as a partial moving image (see col. 5, lines 25-49). The Examiner admits this fact in the third paragraph of page 6 of the Office Action. Minami discloses that in replay, the extracted object and the background image are synthesized (see col. 6, line 47 - col. 8, line 52).

Further, the Examiner asserts that the limitation in claims 21 and 31 that when the moving picture is replayed from an arbitrary replay position, designating a locus of motion of the image by the input device to determine position data of the locus of

motion with time based on the stored boundary line information, is disclosed in Minami at col. 10, lines 34-44 (see Office Action, page 4, lines 10-13). However, in the Minami embodiment disclosed in col. 10, lines 34-44, it is disclosed that a video image acquired by panning a camera is sent by a panorama image and the video playback start and endpoints are entered from the playback start/end input unit according to the panorama image displayed at the video playback unit. From the entered playback start point and playback endpoint the video playback position and time are determined. This has nothing to do with designating a locus of motion of an image, or when the moving picture is replayed from an arbitrary replay position, designating a locus of motion of the image by the input device to determine position data of the locus of motion with time based on stored boundary line information, as recited in the claims of the present application.

Tonomura et al. discloses that in the creation of an electronic image book provided with a book type interface, a video is analyzed, images are extracted from the video under predetermined event-type conditions, the extracted images are stored as index information in an index management table, images are selected from the index management table under desired conditions and laid out as a sequence of representative images in a page screen, item numbers of the laid out representative images, information about their positions on the page and information about a video file linked to the representative images are recorded in a page management table in correspondence with the pages, and at the same time, representative image data corresponding to the item number is recorded in an image data table.

The Examiner asserts that Tonomura et al. discloses the image being a still image at col. 8, lines 20-30. However, these portions merely disclose that each representative image is static image of one frame selected from the video or one static image synthesized from a plurality of frames. Respective representative images are linked to a dynamic image and one among the dynamic images linked thereto corresponding to a user's selected representative image can be played back. As seen from this portion of Tonomura et al., since it is proposed to pick up a specified representative image from a moving image or dynamic image, one frame of a moving image or a sequence of frames of the moving image is selected as a representative image to be displayed. Accordingly, if the still image as disclosed in Tonomura et al. were applied to the partial image in Minami, a still image of a specified event could be extracted, however, the extracted still image as a representative image is a static image of one frame or a static image synthesized from a plurality of frames. As a result, the representative image (or static image) would be synthesized on the entire frame, even though it is asserted that the displayed still image should be synthesized with an original image. Therefore, Applicant submits that one of ordinary skill in the art would have no motivation to combine Minami and Tonomura et al. in an attempt to achieve the limitations in the claims of the present application since this combination for image synthesizing is meaningless.

Regarding the dependent claims, Applicant submit that these claims are patentable at least for the same reasons noted previously regarding the independent claims.

Accordingly, Applicant submits that neither Minami nor Tonomura et al. taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-44 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 45-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Minami in view of Tonomura et al. Applicant has canceled these claims therefore rendering these rejections moot.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-44 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the

deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38975X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 312-6600